IN THE HIGH COURT OF JUCICIATURE AT ALLAHABAD

WRIT PETITION NO. 999 (MS) OF 2004

Prithi Singh ……Petitioners.

Versus

State of Uttaranchal and others. …..Respondents.

HON'BLE RAJESH TANDON J.

Heard Sri K.S. Verma, counsel for the petitioner and standing counsel for the respondents.

By the present Writ Petition, the petitioner has prayed for a writ of mandamus commanding the respondents not to change the nature of khasra No. 56 and 57 situate in Mauja Shekhpuri, pargana Mangalur Tehsil Laksar, District Hraidwar.

Briefly stated, the proceedings were drawn by the petitioner in respect of khasra No. 58 measuring 10 Bigha, 11 Biswa. On 30th March, 1993, the S.D.O. Laksar changed the nature of Khasra No. 57 in the revenue papers as "Banzar Land". The petitioner has filed a Revision before the Commissioner Meerut Division Meerut, the same was dismissed. The petitioner went in Revision No. 59 of 1998-99 Prithi and others Vs. L.M.C. and others U/S 333 U.P.Z.A. L.R. Act before the Board of Revenue U.P. at Allahabad, which is still pending.

The counsel for the petitioner has submitted that the record of the case has not yet been transferred to Dehradun. A perusal of the order dated 26th February, 1999 shown that the Board of Revenue has passed an order to the following effect:-

"Heard. Admit. Issue Notice. Call for the record of the court below. Operation of the impugned judgment and dated 27.11.1997 shall remain stayed and Land Management Committee concerned is

restrained from changing the land in question. P.F. and notices be filed.

Put up on 18.5.99 for hearing."

Counsel for the petitioner has submitted that the aforesaid order is still operative.

The interest of justice requires that the order dated 25th February, 1999 shall remain operative and the respondent may be restrained from changing the nature of Khasra No. 56 and 57 situate in Mauja Shekhpuri Pargana Manglaur Tehsil Laksar, District Haridwar till the pendency of the Revision No. 59 of 1998-99.

However, Chief Revenue Commissioner, Dehradun is directed to dispose of the Revision within a period of three months after the receipt of the certified copy of the order.

Till the pendency of the revision before the Board of Revenue for a period of three months the order dated 26 February, 1999 passed by the Board of Revenue shall remain operative.

However, the respondent shall not change the nature of the property in dispute.

The Writ petition is disposed of accordingly, No order as to costs.

(RAJESH TANDON, J)

13.10.2004
P.S.R.